

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
at WINCHESTER

SCIOTO CONSTRUCTION, INC.,)
)
Plaintiff,)
v.)
)
ANTHONY R. MORRIS d/b/a M & M)
DRYWALL COMPANY,)
)
Defendant.)

Case No. 4:99-CV-83
Edgar / Lee

MEMORANDUM AND ORDER

Plaintiff Scioto Construction, Inc. moves pursuant to Fed. R. Civ. P. 33, 37(a) and 69 to compel defendant to answer post-judgment interrogatories and to award monetary sanctions. [Doc. No. 36]. Defendant has not timely filed a response. The Court deems defendant to have waived opposition to the relief sought in the motion. E.D. TN. LR 7.2.

The Court referred the motion to Magistrate Judge Susan K. Lee for a report and recommendation under 28 U.S.C. § 636(b)(1). [Doc. No. 37]. On December 15, 2006, Magistrate Judge Lee filed her report and recommendation. [Doc. No. 42]. It is recommended that the plaintiff's motion, as supplemented, be granted. Plaintiff and the Court have made every reasonable effort to notify defendant of the plaintiff's motion and the Magistrate Judge's report and recommendation by mailing said documents to the defendant's last known addresses. Defendant has not timely filed an objection to the report and recommendation.

After reviewing the record, the Court **ACCEPTS and ADOPTS** the report and recommendation pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72. The Court finds that the

plaintiff's motion is well taken and the motion is **GRANTED** pursuant to Fed. R. Civ. P. 33, 37(a) and 69.

Accordingly, on or before January 31, 2007, defendant shall provide full and complete answers to the plaintiff's post-judgment interrogatories. Plaintiff is hereby **AWARDED** the sum of \$1,189.50 in sanctions against the defendant. Defendant shall pay the \$1,189.50 in sanctions to plaintiff in full on or before July 11, 2007.

The Clerk of the District Court is **DIRECTED** to mail a copy of this memorandum and order to defendant at each of the five mailing addresses set forth in the certificate of service in the plaintiff's supplement to its motion [Doc. No. 40].

SO ORDERED.

ENTER this the 9th day of January, 2007.

/s/ R. Allan Edgar
R. ALLAN EDGAR
UNITED STATES DISTRICT JUDGE